

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
Marshall S. Huebner
Benjamin S. Kaminetzky
James I. McClammy
Eli J. Vonnegut

*Counsel to the Debtors
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PURDUE PHARMA L.P., et al.,

Debtors.¹

Chapter 11

Case No. 19-23649 (RDD)

(Jointly Administered)

**DEBTORS' OBJECTION TO
STEPHANIE LUBINSKI'S MOTION FOR PAYMENT OF CLAIM**

Purdue Pharma L.P. (“PPLP”) and its affiliates that are debtors and debtors in possession in these proceedings (collectively, the “**Debtors**,” the “**Company**,” or “**Purdue**”) respectfully

¹ The Debtors in these cases, along with the last four digits of each Debtor’s registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF L.P. (0495), SVC Pharma L.P. (5717), and SVC Pharma Inc. (4014). The Debtors’ corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

represent as follows in opposition to the *Motion for Payment of Claim* [Dkt. No. 3723] (the “**Motion**”) filed by Stephanie Lubinski (“**Ms. Lubinski**”):

1. In the Motion, Ms. Lubinski states that she is “now requesting fees and payments for [her] costs, due to the over prescribed medication of OxyContin to [her husband,] Troy Lubinski.” (Mot. at 1.) She requests immediate payment for “[m]edical bills,” “[b]ankruptcy fees,” “Hazelton Treatment,” “[f]oreclosure on [her] home,” “[c]ounseling for [her]self and children,” “[l]oss of personal property due to being pawned for more OxyContin,” “[p]ain and suffering,” and the loss of her husband. (*Id.*)

2. Although the Debtors remain sympathetic to all of those affected by the opioid crisis, including Ms. Lubinski and other individual victims and their families, the Debtors must object to the Motion. The requested relief is inequitable and not allowed under the Bankruptcy Code. As this Court has noted, “the payment in full of [certain] [c]laims but not all claims similarly situated to the [c]laims before the confirmation and effective date of a chapter 11 plan in these cases would violate the fundamental Bankruptcy Code principles of similar treatment of similar claims and the resolution and treatment of general unsecured claims under a chapter 11 plan and is not warranted by any exception to such principles.” (*See Order Denying Mot. for Immediate Claim Payment*, at 1-2 (Dec. 16, 2020), Dkt. No. 2145; *see also* Jan. 20, 2021 Omnibus Hr’g Tr. 70:25-71:3 (denying a motion seeking payment of a claim and noting that “it is highly unusual, unless there’s a net benefit to the other creditors, to pay a pre-petition, unsecured claim before similarly situated claims are paid”)). Like other personal injury claimants who timely filed proofs of claim, Ms. Lubinski is entitled to seek recovery from the PI Trust established pursuant to the *Twelfth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors* [Dkt. No. 3726] (the “**Plan**”), which was

confirmed by this Court on September 17, 2021 [Dkt. No. 3787]. In due course and pursuant to the Plan, a recovery on Ms. Lubinski's claim, should it be allowed, will be "exclusively in the form of [d]istributions from the PI Trust Non-NAS Fund." (Plan § 4.10(c)(i).)

For the reasons set forth above, the Debtors respectfully request that the Court deny the Motion without prejudice to any rights Ms. Lubinski has under the Plan with respect to her claim.

Dated: November 11, 2021
New York, New York

/s/ James I. McClammy
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